

**U.S. District Court  
Northern District of Georgia (Atlanta)  
CIVIL DOCKET FOR CASE #: 1:18-cv-05902-MLB**

Office of the Fulton County District Attorney v. United States  
 Department of Justice  
 Assigned to: Judge Michael L. Brown  
 Cause: 05:552 Freedom of Information Act

Date Filed: 12/27/2018  
 Jury Demand: None  
 Nature of Suit: 895 Freedom of  
 Information Act  
 Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Office of the Fulton County District  
 Attorney**

represented by **A. Lee Bentley , III**  
 Bradley Arant Boult Cummings, LLP – FL  
 Suite 2200  
 100 N. Tampa Street  
 Tampa, FL 33602  
 813-559-5500  
 Email: [lbentley@bradley.com](mailto:lbentley@bradley.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Jason P. Mehta**  
 Bradley Arant Boult Cummings, LLP – FL  
 Suite 2200  
 100 N. Tampa Street  
 Tampa, FL 33602  
 813-559-5500  
 Email: [jmehta@bradley.com](mailto:jmehta@bradley.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Lyndsey Hurst Rudder**  
 Fulton County District Attorney's Office  
 3rd Floor  
 136 Pryor Street, SW  
 Atlanta, GA 30303  
 404-612-4972  
 Email: [lyndsey.rudder@fultoncountyga.gov](mailto:lyndsey.rudder@fultoncountyga.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**United States Department of Justice**  
*an agency of the United States*

represented by **Neeli Ben-David**  
 Office of the United States  
 Attorney–ATL600  
 Northern District of Georgia  
 600 United States Courthouse  
 75 Ted Turner Dr., S.W.  
 Atlanta, GA 30303  
 404-581-6303  
 Email: [neeli.ben-david@usdoj.gov](mailto:neeli.ben-david@usdoj.gov)  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
12/27/2018	<u>1</u>	COMPLAINT (Filing fee \$400, receipt number 113E-8353961) filed by Office of the Fulton County District Attorney. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Civil Cover Sheet)(usw) Please visit our website at

		<a href="http://www.gand.uscourts.gov/commonly-used-forms">http://www.gand.uscourts.gov/commonly-used-forms</a> to obtain Pretrial Instructions and Pretrial Associated Forms which includes the Consent To Proceed Before U.S. Magistrate form. (Entered: 12/28/2018)
12/28/2018	<u>2</u>	Electronic Summons Issued as to Office of the Fulton County District Attorney. (usw) (Entered: 12/28/2018)
12/31/2018	<u>3</u>	APPLICATION for Admission of A. Lee Bentley, III Pro Hac Vice (Application fee \$ 150, receipt number 113E-8356925)by Office of the Fulton County District Attorney. (Rudder, Lyndsey) (Entered: 12/31/2018)
12/31/2018	<u>4</u>	APPLICATION for Admission of Jason P. Mehta Pro Hac Vice (Application fee \$ 150, receipt number 113E-8356974)by Office of the Fulton County District Attorney. (Rudder, Lyndsey) (Entered: 12/31/2018)
12/31/2018	<u>5</u>	Certificate of Interested Persons by Office of the Fulton County District Attorney. (Rudder, Lyndsey) (Entered: 12/31/2018)
01/02/2019	<u>6</u>	Return of Service Executed by Office of the Fulton County District Attorney. United States Department of Justice served on 12/31/2018, answer due 3/1/2019. (Rudder, Lyndsey) (Entered: 01/02/2019)
01/02/2019	<u>7</u>	STANDING ORDER regarding Civil Litigation. Signed by Judge Michael L. Brown on 1/2/19. (jpa) (Entered: 01/02/2019)
01/02/2019	<u>8</u>	Administrative order staying civil proceedings in light of lapse of appropriations. Signed by Chief Judge Thomas W. Thrash, Jr. on 12/26/18. (jdb) (Entered: 01/02/2019)
01/07/2019		APPROVAL by Clerks Office re: <u>3</u> APPLICATION for Admission of A. Lee Bentley, III Pro Hac Vice (Application fee \$ 150, receipt number 113E-8356925). Attorney A. Lee Bentley, III added appearing on behalf of Office of the Fulton County District Attorney (pmb) (Entered: 01/07/2019)
01/07/2019		APPROVAL by Clerks Office re: <u>4</u> APPLICATION for Admission of Jason P. Mehta Pro Hac Vice (Application fee \$ 150, receipt number 113E-8356974). Attorney Jason P. Mehta added appearing on behalf of Office of the Fulton County District Attorney (pmb) (Entered: 01/07/2019)
01/07/2019	<u>9</u>	ORDER granting <u>3</u> Application for Admission Pro Hac Vice of A. Lee Bentley, III. Signed by Judge Michael L. Brown on 1/7/19. (jpa) (Entered: 01/08/2019)
01/07/2019	<u>10</u>	ORDER granting <u>4</u> Application for Admission Pro Hac Vice of Jason P. Mehta. Signed by Judge Michael L. Brown on 1/7/19. (jpa) (Entered: 01/08/2019)
01/08/2019		Clerk's Certificate of Mailing as to A. Lee Bentley, III re <u>9</u> Order on Application for Admission PHV, and as to Jason P. Mehta re <u>10</u> Order on Application for Admission PHV. (jpa) (Entered: 01/08/2019)
01/30/2019	<u>11</u>	ORDER: On January 26, 2019, the necessary legislation to resume appropriations was signed into law. The Court LIFTS the stay of this matter. Signed by Judge Michael L. Brown on 1/30/2019. (rlb) (Entered: 01/30/2019)
02/26/2019	<u>12</u>	MOTION to Strike <i>Portions of Complaint</i> with Brief In Support by United States Department of Justice. (Ben-David, Neeli) (Entered: 02/26/2019)
03/12/2019	<u>13</u>	AMENDED COMPLAINT for Declaratory and Injunctive Relief (Freedom of Information Act) against Office of the Fulton County District Attorney filed by Office of the Fulton County District Attorney. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Rudder, Lyndsey) Please visit our website at <a href="http://www.gand.uscourts.gov/commonly-used-forms">http://www.gand.uscourts.gov/commonly-used-forms</a> to obtain Pretrial Instructions and Pretrial Associated Forms which includes the Consent To Proceed Before U.S. Magistrate form. (Entered: 03/12/2019)
03/12/2019	<u>14</u>	RESPONSE in Opposition re <u>12</u> MOTION to Strike <i>Portions of Complaint</i> filed by Office of the Fulton County District Attorney. (Rudder, Lyndsey) (Entered: 03/12/2019)

03/13/2019		ORDER (by docket entry only) denying as moot Defendant's <u>12</u> Motion to Strike Portions of Complaint in the light of Plaintiff's <u>13</u> Amended Complaint. Ordered by Judge Michael L. Brown on 3/13/2019. (bgt) (Entered: 03/13/2019)
03/26/2019	<u>15</u>	ANSWER to <u>1</u> COMPLAINT by United States Department of Justice. Discovery ends on 8/23/2019.(Ben-David, Neeli) Please visit our website at <a href="http://www.gand.uscourts.gov">http://www.gand.uscourts.gov</a> to obtain Pretrial Instructions. (Entered: 03/26/2019)
04/17/2019	<u>16</u>	Joint MOTION to Stay <i>Proceedings</i> with Brief In Support by United States Department of Justice. (Ben-David, Neeli) (Entered: 04/17/2019)
04/18/2019	<u>17</u>	ORDER granting <u>16</u> Motion to Stay up to and including 5/20/2019. If the parties are unable to resolve this matter during the period of the stay, they will conduct a Rule 26(f) early planning conference on or before June 5, 2019, and will submit a Rule 26(f) Joint Preliminary Plan and Discovery Order and Rule 26 Initial Disclosures on or before June 19, 2019. Signed by Judge Michael L. Brown on 4/18/2019. (dob) (Entered: 04/18/2019)
05/24/2019	<u>18</u>	Joint MOTION to Stay <i>Proceedings</i> with Brief In Support by United States Department of Justice. (Ben-David, Neeli) (Entered: 05/24/2019)
05/28/2019	<u>19</u>	ORDER Granting <u>18</u> Joint Motion to Stay Proceedings, and for good cause shown, it is hereby ORDERED that proceedings in this matter be stayed for a period of thirty (30) days from May 17, 2019 through June 17, 2019, during which time all deadlines shall be suspended, including the deadlines to file the Joint Preliminary Report and Discovery Plan, Plaintiff's Initial Disclosures and Defendant's Initial Disclosures. If the parties are unable to resolve this matter during the thirty-day period, they will conduct a Rule 26(f) early planning conference no later than July 3, 2019 and will submit a Rule 26(f) Joint Preliminary Plan and Discovery Order and Rule 26 Initial Disclosures no later than July 17, 2019. Signed by Judge Michael L. Brown on 5/28/19. c:Financial Office(bjh) (Entered: 05/28/2019)
07/22/2019		Submission of <u>19</u> Order on Motion to Stay, to District Judge Michael L. Brown. (dob) (Entered: 07/22/2019)
07/22/2019	<u>20</u>	ORDER lifting the stay of this matter. The Court Orders the parties to file, on or before July 31, 2019, their joint preliminary report and discovery plan. The Court may sanction the parties, including dismissing this matter, if they fail to comply with this order. Signed by Judge Michael L. Brown on 7/22/2019. (dob) (Entered: 07/22/2019)
07/31/2019	<u>21</u>	JOINT PRELIMINARY REPORT AND DISCOVERY PLAN filed by United States Department of Justice. (Ben-David, Neeli) (Entered: 07/31/2019)
08/01/2019	<u>22</u>	SCHEDULING ORDER: re: <u>21</u> Joint Preliminary Report and Discovery Plan Discovery ends on 12/2/2019. The Court DIRECTS the Clerk to submit this matter if the parties have not filed motions for summary judgment or a consolidated pretrial order on or before January 2, 2020. Signed by Judge Michael L. Brown on 8/1/2019. (dob) (Entered: 08/01/2019)
10/10/2019	<u>23</u>	CERTIFICATE OF SERVICE of <i>Discovery Materials</i> by United States Department of Justice.(Ben-David, Neeli) (Entered: 10/10/2019)
01/01/2020	<u>24</u>	Unopposed MOTION for Extension of Time to File Summary Judgment Motion with Brief In Support by United States Department of Justice. (Ben-David, Neeli) (Entered: 01/01/2020)
01/02/2020	<u>25</u>	ORDER granting <u>24</u> Motion for Extension of Time in Which to File Summary Judgment Motion through and including 1/16/2020. Signed by Judge Michael L. Brown on 1/2/2020. (dob) (Entered: 01/02/2020)
01/16/2020	<u>26</u>	MOTION for Summary Judgment with Brief In Support by United States Department of Justice. (Ben-David, Neeli) --Please refer to <a href="http://www.gand.uscourts.gov">http://www.gand.uscourts.gov</a> to obtain the Notice to Respond to Summary Judgment Motion form contained on the Court's website.-- (Entered: 01/16/2020)
01/16/2020	<u>27</u>	NOTICE Of Filing Statement of Undisputed Material Facts by United States Department of Justice (Attachments: # <u>1</u> Exhibit A (Declaration of Sophia Kil), # <u>2</u> Exhibit B (Email))(Ben-David, Neeli) (Entered: 01/16/2020)

01/23/2020	<u>28</u>	Unopposed MOTION for Extension of Time to File its Response to Defendant's Summary Judgment Motion by Office of the Fulton County District Attorney. (Attachments: # <u>1</u> Text of Proposed Order)(Mehta, Jason) (Entered: 01/23/2020)
01/23/2020	<u>29</u>	ORDER granting <u>28</u> Motion for Extension of Time to respond to <u>26</u> MOTION for Summary Judgment through and including 2/27/2020. Signed by Judge Michael L. Brown on 1/23/2020. (dob) (Entered: 01/23/2020)
02/27/2020	<u>30</u>	RESPONSE in Opposition re <u>26</u> MOTION for Summary Judgment filed by Office of the Fulton County District Attorney. (Attachments: # <u>1</u> Statement of Material Facts Plaintiff's Response to Defendant's Statement of Facts, # <u>2</u> Statement of Material Facts Plaintiff's Statement of Additional Facts, # <u>3</u> Exhibit 3 – Declaration of Paul L. Howard, Jr., # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11)(Mehta, Jason) (Entered: 02/27/2020)
03/05/2020	<u>31</u>	Unopposed MOTION for Extension of Time to File Reply to <u>26</u> Motion for Summary Judgment and Response to Plaintiff's <u>30</u> Statement of Additional Facts with Brief In Support by United States Department of Justice. (Ben–David, Neeli) Modified on 3/5/2020 to add applicable links (dob). (Entered: 03/05/2020)
03/05/2020	<u>32</u>	ORDER granting <u>31</u> Motion for Extension of Time to File Reply re <u>26</u> MOTION for Summary Judgment , and Respond to <u>30</u> Statement of Additional Facts through and including 3/23/2020. Signed by Judge Michael L. Brown on 3/5/2020. (dob) (Entered: 03/05/2020)
03/23/2020	<u>33</u>	Unopposed MOTION for Extension of Time to File Response to Statement of Additional Facts and Reply Brief with Brief In Support by United States Department of Justice. (Ben–David, Neeli) (Entered: 03/23/2020)
03/24/2020	<u>34</u>	ORDER granting <u>33</u> Motion for Extension of Time to file a reply to <u>26</u> MOTION for Summary Judgment and respond to plaintiff's statement of additional facts through and including 4/6/2020. Signed by Judge Michael L. Brown on 3/24/2020. (dob) (Entered: 03/24/2020)
03/24/2020	<u>35</u>	General Order 20–01 re: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID–19 AND RELATED CORONA VIRUS. Signed by Judge Thomas W. Thrash, Jr. on 3/16/2020. (dob) (Entered: 03/24/2020)
04/02/2020	<u>36</u>	Amended General Order 20–01 re COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID–19 AND RELATED CORONA VIRUS. Signed by Judge Thomas W. Thrash, Jr. on 3/30/20. (mmc) (ADI) (Entered: 04/02/2020)
04/06/2020	<u>37</u>	Response to Statement of Material Facts re <u>26</u> MOTION for Summary Judgment filed by United States Department of Justice. (Ben–David, Neeli) (Entered: 04/06/2020)
04/07/2020	<u>38</u>	REPLY BRIEF re <u>26</u> MOTION for Summary Judgment filed by United States Department of Justice. (Attachments: # <u>1</u> Exhibit A (Declaration of Lori M. Beranek))(Ben–David, Neeli) (Entered: 04/07/2020)
04/07/2020	<u>39</u>	MOTION for Extension of Time to File Reply with Brief In Support by United States Department of Justice. (Ben–David, Neeli) (Entered: 04/07/2020)
04/07/2020	<u>40</u>	REPLY BRIEF re <u>26</u> MOTION for Summary Judgment ( <i>Amended</i> ) filed by United States Department of Justice. (Attachments: # <u>1</u> Exhibit A (Declaration of Lori M. Beranek))(Ben–David, Neeli) (Entered: 04/07/2020)
04/07/2020		Submission of <u>26</u> MOTION for Summary Judgment , to District Judge Michael L. Brown. (dob) (Entered: 04/07/2020)
04/08/2020	<u>41</u>	ORDER Granting Defendant's <u>39</u> Motion for Extension of Time to file its reply in support of its <u>26</u> motion for summary judgment through and including April 7, 2020. Signed by Judge Michael L. Brown on 4/8/20. (bjh) (Entered: 04/08/2020)
05/04/2020	<u>42</u>	SECOND AMENDMENT TO GENERAL ORDER 20–01 RE: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID–19 AND RELATED CORONA VIRUS. Signed by Judge Thomas W. Thrash, Jr. on 04/30/2020. (rvb) (ADI) (Entered: 05/04/2020)

05/27/2020	<u>43</u>	THIRD AMENDMENT TO GENERAL ORDER 20-01 RE: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID-19 AND RELATED CORONA VIRUS. Signed by Judge Thomas W. Thrash, Jr. on 05/26/2020. (rvb) (ADI) (Entered: 05/27/2020)
07/02/2020	<u>44</u>	FOURTH AMENDMENT TO GENERAL ORDER 20-01 RE: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID-19 AND RELATED CORONA VIRUS. Signed by Judge Thomas W. Thrash, Jr. on 07/01/2020. (mmc) (ADI) (Entered: 07/02/2020)